

Message Text

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41

ACTION EUR-25

INFO OCT-01 ISO-00 EB-11 IGA-02 XMB-07 TRSE-00 OMB-01

CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07

PA-04 RSC-01 PRS-01 SP-03 SS-20 USIA-15 MC-02 DRC-01

EURE-00 SAM-01 IO-14 /139 W
----- 072417

P R 281530Z JUN 74

FM AMEMBASSY MADRID

TO SECSTATE WASHDC PRIORITY 9307

INFO USCINCEUR/ECJ5

USNMR/SHAPE BRUSSELS

JUSMG MADRID

COMNAVACTS ROTA

16TH AF TORREJON SPAIN

C O N F I D E N T I A L MADRID 4111

E.O. 11652: GDS

TAGS: MARR, SP

SUBJECT: US-SPANISH JOINT COMMITTEE MEETING JULY 3, 1974

REF MADRID 3406

1. POSITION PAPERS PROPOSED IN REFTEL MAY BE CONSIDERED FINAL
WITH FOLLOWING ADDITION:

IN AGENDA ITEM 3 ON "US-SPANISH DEFENSE COMPATIBILITY PLAN",

ADD FOLLOWING ENTRY TO SECTION "FACTS":

SUBSEQUENTS MEETINGS WERE HELD ON MAY 29, JUNE 10

AND 19, 1974, AND TENTATIVE AGENDA ITEMS AND OBJECTIVES

WERE DISCUSSED. SUBCOMMITTEE WILL CONTINUE TO MEET

WEEKLY UNTIL COMPLETION OF ITS OBJECTIVES.

2. SPANISH STATED JUNE 27 THAT THEY INTEND TO MAKE ALLEGED US
MILITARY AIRCRAFT FLIGHT VIOLATIONS AGENDA ITEM. FOLLOWING IS
PROPOSED US POSITION PAPER:

PROBLEM: ALLEGED AIR SPACE VIOLATIONS OVER SPAIN.

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STATUS: ON MAY 30, 1974, SR. PERINAT, SPANISH FOREIGN MINISTRY,

FORWARDED TO CHIEF JUSMG A REPORT CITING THREE RECENT ALLEGED AIRSPACE VIOLATIONS OVER SPANISH TERRITORY BY USAF AND USN AIRCRAFT. ON JUNE 12, 1974, REQUESTED THAT ANOTHER SERIES OF AIR SPACE VIOLATIONS OVER LA PALMA AIRPORT (CANARY ISLANDS) BE ADDED TO THE MAY 30, 1974, LIST. AN ANALYSIS REVEALS THAT TWO OF THE REPORTED VIOLATIONS ARE "ROUTE" AIR TRAFFIC CONTROL DIVIATIONS. THE ONE COMPLAINT ABOUT AIR SPACE VIOLATIONS IN THE AREA OF PALMA DE MALLORCA TOOK PLACE OVER INTERNATIONAL WATERS AND IS A SEPARATE ISSUE. THE FOURTH INCIDENT HAS BEEN FORWARDED TO THE JACCC FOR INVESTIAGTION AND REPORT. FACTS/DISCUSSION: INCIDENTS NO. 1 AND 2 HAVE BEEN INVESTIGATED AND ARE "ROUTINE" VIOLATIONS INVOLVING ERRORS IN FLIGHT PLANNING AND AIR TRAFFIC CONTROL PROCEDURES. THEY HAVE PROBABLY BEEN INCLUDED TO ADD WEIGHT TO THE MORE SUBSTANTIVE ISSUE DETAILED IN INCIDENT NO. 3. INCIDENT NO. 3. - VIOLATIONS OF US AIRCRAFT IN THE AREA OF PALMA DE MALLORCA ON JAN 25, 1974. PERINAT REPORT STATES, "U.S. SIXTH FLEET AIRCRAFT CONDUCTED EXERCISES THAT WERE NEITHER AUTHORIZED NOR REPORTED...." REPORT ALSO PROVIDES VARIOUS RADIALS AND DISTANCES WHICH CLEARLY CONFIRMS ALL CITED AIRCRAFT IN AIRSPACE OVER INTERNATIONAL WATERS MANEUVERING IN THE VICINITY OF AIRWAYS B-31, W-32, A-29, A-27 AND A-7. NOT MENTIONED IN THE PERINAT REPORT WAS THAT THE GOS HAS BEEN INFORMED, AS A MATTER OF COURTESY, OF THE INTENT OF THE SIXTH FLEET TO CONDUCT FLIGHT OPERATIONS IN THE BARCELONA FIR 240530Z TO 252300Z JUN 74. THIS INTENT STATED THAT ALL FLIGHTS WOULD BE OPERATED BY THE USN AS OPERATIONAL FLIGHTS OVER INTERNATIONAL WATERS UNDER PROVISIONS OF DUE REGARD, UNDER CONTROL OF THE SHIP AND CLEAR OF PALMA/BARCELONA TCA'S. AS A RESULT OF THE SUBSEQUENT INVESTIGATION, THE GOS WAS INFORMED: "AIRCRAFT IN LAUNCH AND RECOVERY PATTERNS WERE BELOW 1000 FEET UNDER POSITIVE RADAR/RADIO CONTROL OF THE SHIP. WHILE SHIP'S POSITION REQUIRED THAT SOME MISSION AIRCRAFT OPERATIONS INVOLVED CROSSING AIRWAYS, FLIGHT CREWS WERE THOROUGHLY BRIEFED ON PROVISIONS OF DUE REGARD. AIRWAYS CROSSINGS WERE CONDUCTED UNDER RADAR CONTROL, UNDER VISUAL METEOROLOGICAL CONDITIONS (VMC) AND IN ACCORDANCE WITH HEMISPHERIC ALTITUDE RULES. IN CONFIDENTIAL

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MONITORING ALL FLIGHTS, NEITHER THE CARRIER AIR TRAFFIC CONTROL CENTER NOR THE COMBAT INFORMATION CENTER OBSERVED ANY TRAFFIC CONFLICTS". THE US SIXTHFLEET AIRCRAFT INVOLVED IN THIS INCIDENT WERE OPERATING OVER INTERNATIONAL WATERS ON OPERATIONAL MISSIONS IN ACCORDANCE WITH THE ICAO (SPAIN IS A MEMBER) AGREEMENT WHICH EXCEPTS STATE AIRCRAFT FROM THE PROVISIONS THEREOF. INCIDENT - LAS PALMAS CANARIAS - NUMEROUS AIRCRAFT OVER-

FLEW THE VICINITY OF THE LA PALMA AIRPORT CONTROL, AREA, TOWN AND INTERIOR OF THE ISLAND ON MAY 18, 1974 AT VARIOUS TIMES, ALTITUDES AND SPEEDS. AIRCRAFT ENTERED THE LA PALMA AIRDROME CONTROL AREA WITHOUT RADIO CONTACT. UNAUTHORIZED SUPERSONIC FLIGHT WAS CONDUCTED. ON MAY 22 AIRCRAFT EMITTED AN EMERGENCY HIGHJACK IFF SQUAWK (CODE 3-31). ON MAY 27 AN ADDITIONAL VIOLATION OF THE LA PALMA AIRDROME WAS MADE WITHOUT AUTHORITY OR RADIO CONTACT. THE USS FORRESTAL, OPERATING IN THE AREA AT THE TIME, HAD PREVIOUSLY ASKED FOR AND RECEIVED A DIVERT ALERT AUTHORIZATION FOR THE TENERIFE AIRPORT ON THE DATES WHEN THE INCIDENTS OCCURRED. THE INCIDENTS ARE CURRENTLY BEING INVESTIGATED BY JACCC. HOWEVER, THE RESULTS THEREOF ARE NOT PRESENTLY KNOWN.

RECOMMENDATION: THAT THE GOS BE ADVISED THAT:

1. THE U.S. IS CONCERNED WITH THE SAFE OPERATION OF AIRCRAFT.
2. ALL U.S. "STATE" (INCLUDES MILITARY AIRCRAFT) WILL RESPECT THE SOVEREIGN TERRITORY OF SPAIN.
3. EVERY EFFORT WILL BE MADE TO PRECLUDE VIOLATIONS WITH RESPECT TO REQUIRED TWO-WAY RADIO COMMUNICATIONS BETWEEN AIRPORT CONTROL TOWERS AND LANDING AIRCRAFT, OR AIRCRAFT TRANSITING AIRPORT CONTROL AND SPECIAL USE AIRSPACE ZONES.
4. FURTHER DISCUSSION OF THE LA PALMA CANARIAS INCIDENT BE WITHHELD PENDING INVESTIGATION.
5. FOR OPERATION/CONTROL OF AIRSPACE OVER INTERNATIONAL WATERS, THE U.S. WILL COMPLY WITH THE CONVENTION OF INTERNATIONAL CIVIL AVIATION REGULATIONS FORMULATED IN CHICAGO IN 1944. (END TEXT OF POSITION PAPER).

3. REGARDING AGENDA ITEM 4 ON EXEMPTION FROM G-3 TARIFF", SPANISH
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STATE THEY WILL PRESENT WRITTEN REPLY BEFORE MEETING TO LEGAL ARGUMENT PREPARED BY US TAX RELIEF SPECIALISTS FOLLOWING VISIT HERE IN APR (STATE 073923). THEY STATE SPANISH PAPER REJECTS US ARGUMENTS FOR RELIEF AND REITERATES INSISTENCE ON PAYMENT OF PORT TARIFF.
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